

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KATHY LEHMAN &amp; WILLIAM LEHMAN,</b>	:	
<b>Plaintiffs</b>	:	
	:	<b>Civil Action No. 4:10-cv-00197</b>
	:	
v.	:	<b>(Chief Judge Kane)</b>
	:	
<b>DIAMOND DEVELOPMENT CO., INC., <u>et al.</u>,</b>	:	
<b>Defendants</b>	:	

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

Presently pending before the Court is Magistrate Judge Methvin's Report and Recommendation. (Doc. No. 47.) In the report, Judge Methvin recommends that Defendant Bottling Group, LLC's motion for summary judgment (Doc. No. 41) be granted and that its cross-claim against Defendants Diamond Development Co., Inc., Patricia Guarna, and Vincent Guarna be dismissed (Doc. No. 23). No timely objections have been filed.

**ACCORDINGLY**, on this 19th day of January 2012, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. No. 47) is **ADOPTED**;
2. Defendant Bottling Group, LLC's motion for summary judgment (Doc. No. 41) is **GRANTED**;
3. Defendant Bottling Group, LLC's cross-claim against Defendants Diamond Development Co., Patricia Guarna, and Vincent Guarna (Doc. No. 23) is **DISMISSED WITH PREJUDICE**;
4. Plaintiffs' claims against Defendant Bottling Group, LLC are **DISMISSED WITH PREJUDICE**, and Defendant Bottling Group, LLC is terminated from the case; and

5. The Clerk of Court shall defer entering judgment until all claims have been adjudicated.

S/ Yvette Kane  
Yvette Kane, Chief Judge  
United States District Court  
Middle District of Pennsylvania